

Congress of the United States
U.S. House of Representatives
Committee on Small Business
2561 Rayburn House Office Building
Washington, DC 20515-6515

November 23, 2020

The Honorable Emily Murphy
Administrator
General Services Administration
1800 F Street, N.W.
Washington, D.C. 20405

Dear Administrator Murphy:

We write to request that you carry out your statutory responsibility as Administrator of the General Services Administration (GSA) and immediately begin transition activities for President-elect Biden and Vice President-elect Harris. As you are well aware, the Presidential Transition Act of 1963 (PTA) authorizes GSA to provide the next Administration with facilities, funds, and services to prepare for future duties.¹ While the PTA nor federal regulations specify how that determination should be made, it is the clear intent of Congress that there should not be any disruption in the transfer of the executive power because doing so harms the safety and well-being of the nation and its citizens. Once an apparent successful candidate emerges for the office of President and Vice-President, it is your duty to ascertain and allow a formal transition to begin without delay.

Unlike the election in November 2000 wherein an extremely narrow victory in one state led to a contested election and an eventual ruling by the United States Supreme Court, this recent election has a clear apparent winner. In fact, President-elect Biden and Vice President-elect Harris have received over 79,658,000 votes so far – more than any other candidate in history – and nearly 6 million more than President Trump.² Critically, in the “battleground” states, including Pennsylvania, Michigan, Arizona, and Georgia, President-elect Biden has won by tens of thousands of votes.³ As a result, and most importantly, they obtained a majority of the Electoral College with 306 votes.⁴ Finally, as the lawsuits filed by President Trump continue to

¹ 3 U.S.C. §102 note; PTA, §3(a).

² Nicholas Riccardi, Biden Approaches 80 Million Votes in Historic Victory, AP, Nov. 18, 2020.

³ New York Times, Presidential Election Results: Biden Wins, <https://www.nytimes.com/interactive/2020/11/03/us/elections/results-president.html?action=click&module=Top%20Stories&pgtype=Homepage> (accessed on Nov. 22, 2020)

⁴ Elena Moore, Biden Flips Coveted Georgia, The Last State to be Called by the AP, NPR, Nov. 19, 2020.

fail, there no doubt of the outcome and further reinforces that you must begin the transition process immediately.

As the Chairwoman of the House Small Business Committee, I know your continued delay will have grave consequences for the nation's small businesses and their employees. In order to develop a thoughtful and effective plan to address the dire financial needs of small firms struggling during the pandemic, the Biden transition team must have the information that can only come from an immediate ascertainment. Because of your inaction, they are unable to meet with critical officials at the Small Business Administration (SBA), the Department of Treasury, and the Federal Reserve. This in turn, impedes their ability to assess the current state of support the government is providing to our nation's small and medium sized businesses and ultimately will impact delivery of existing funds that are critically needed during the COVID-19 pandemic.

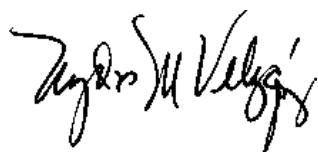
The longer you postpone an ascertainment, and the concomitant unlocking of transition resources, the more small employers will close their doors permanently and their workers will face fewer job opportunities unnecessarily. Given that Small Business Majority estimates that more than one-in-three small businesses—and 41 percent of Black and Hispanic-owned businesses—will not make it to 2021, it is imperative for you as GSA Administrator to fulfill your obligation imminently to allow President-elect Biden to address this crisis.

Finally, your continued refusal to recognize President-elect Biden will likely delay the next Presidential budget request. As SBA has taken on significantly more responsibility over the past year, it more critical than ever for Congress to have a timely budget request laying out the funding needs of the agency. Your delay will impact our ability to ensure important SBA lending programs, such as the flagship 7(a) loan program, and entrepreneurial development programs, which utilize a nationwide network of resource partners, are able to effectively assist entrepreneurs and employers through current economic hardships.

Since the PTA's enactment in 1963, there have been over a dozen presidential transitions, and it is the Committee's expectation that you make the ascertainment designation without any further delay to ensure a peaceful and effective transition of power.

The Committee appreciates your cooperation and attention to this matter.

Sincerely,



Nydia M. Velazquez
Chairwoman
House Small Business Committee



Dwight Evans
Vice Chairman
House Small Business Committee



Judy Chu
Member of Congress



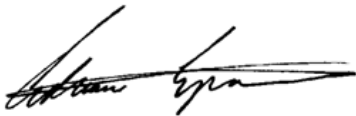
Bradley S. Schneider
Member of Congress



Jason Crow
Member of Congress



Chrissy Houlahan
Member of Congress



Adriano Espaillat
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Sharice L. Davids
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